MONTANA LEGISLATIVE HISTORY

Chapter 501 19 91

Bill H _____ S 283 Original bill & history ____C

H. Committee on Judiciary			S. Committee on Judiciary		
Hearing Date(s)	Mar 21	✓C	Hearing Date(s)	Feb 10	✓C
	Mar 22	✓C		Feb 12	✓C
	_____	____C		_____	____C
	_____	____C		_____	____C
Date Out	_____	____C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

Conference Committee

Apr 16

1997 LEGISLATIVE HISTORY

The 1997 Montana Legislature has dramatically changed the nature of the legislative minutes. Specifically, the minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are somewhat fuller in content. Exhibits available from the State Law Library (which may include written statements, attendant information, roll call votes, roll call attendance, a list of public members present, specific action taken on legislative bills, etc.) are included with this request. For information on other exhibits, contact the Montana Historical Society Archives at 444-4774. Exhibits may also be purchased on a CD-ROM from the Montana Legislative Council (444-3064).

Just as in the 1995 legislative session, the House and Senate hearings were recorded. The Historical Society is the depository for the tapes. For information on accessing the tapes, call the archives at 444-4774.

If you have concerns over the format of the 1997 legislative minutes, it is suggested that you contact your state legislators.

2/11	FISCAL NOTE PRINTED		
2/13	TABLED IN COMMITTEE		
4/05	MISSED DEADLINE FOR 71ST DAY TRANSMITTAL DIED IN COMMITTEE		

SB 282 INTRODUCED BY LYNCH, ET AL. *LC1096 DRAFTER: ERICKSON*

ALLOW A LICENSED CHIROPRACTOR TO CERTIFY AN APPLICATION FOR A SPECIAL PARKING PERMIT FOR THE DISABLED

2/05	INTRODUCED		
2/05	FIRST READING		
2/05	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
2/07	HEARING		
2/10	COMMITTEE REPORT—BILL PASSED		
2/13	2ND READING PASSED	50	0
2/14	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
2/15	FIRST READING		
2/15	REFERRED TO TRANSPORTATION		
3/14	HEARING		
3/26	COMMITTEE REPORT—BILL CONCURRED		
4/04	2ND READING CONCURRED	74	22
4/05	3RD READING CONCURRED	81	18
	RETURNED TO SENATE		
4/10	SIGNED BY PRESIDENT		
4/10	SIGNED BY SPEAKER		
4/11	TRANSMITTED TO GOVERNOR		
4/16	SIGNED BY GOVERNOR CHAPTER NUMBER 280 EFFECTIVE DATE: 10/01/97		

SB 283 INTRODUCED BY BURNETT, ET AL. *LC1230 DRAFTER: LANE*

REQUIRE A SOCIAL WORKER IN CHILD ABUSE AND NEGLECT CASES TO INTERVIEW THE PARENTS, IF AVAILABLE, BEFORE REQUESTING TEMPORARY INVESTIGATIVE AUTHORITY

2/05	INTRODUCED		
2/05	FIRST READING		
2/05	REFERRED TO JUDICIARY		
2/10	HEARING		
2/14	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/19	2ND READING PASSED	50	0
2/20	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
2/21	FIRST READING		
2/21	REFERRED TO JUDICIARY		
3/21	HEARING		
4/03	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/04	2ND READING CONCURRED	75	24
4/05	3RD READING CONCURRED	69	29
	RETURNED TO SENATE WITH AMENDMENTS		
4/10	2ND READING AMENDMENTS NOT CONCURRED	50	0
4/11	MOTION FAILED TO RECONSIDER PREVIOUS ACTION	19	31
4/12	CONFERENCE COMMITTEE APPOINTED		
4/16	HEARING		
4/17	CONFERENCE COMMITTEE REPORT NO. 1		
4/18	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	49	0

4/19	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	44	4
	HOUSE		
4/14	CONFERENCE COMMITTEE APPOINTED		
4/17	CONFERENCE COMMITTEE REPORT NO. 1		
4/19	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	95	2
4/19	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	93	4
4/24	SIGNED BY PRESIDENT		
4/24	SIGNED BY SPEAKER		
4/24	TRANSMITTED TO GOVERNOR		
5/02	SIGNED BY GOVERNOR CHAPTER NUMBER 501 EFFECTIVE DATE: 05/02/97		

SB 284 INTRODUCED BY HALLIGAN, ET AL. *LC0608 DRAFTER: WILLIAMS*

ALLOW INDIVIDUAL OWNERS OF TRACTS OF LAND 3 ACRES OR SMALLER IN SIZE LOCATED WITHIN THE BOUNDARIES OF CERTAIN URBANIZED IRRIGATION DISTRICTS THAT ARE NOT BEING SERVED BY THE IRRIGATION DISTRICT WORKS TO BE ELIMINATED FROM ASSESSMENTS OVER AND ABOVE CURRENT INDEBTEDNESS

2/05	INTRODUCED		
2/05	FIRST READING		
2/05	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION		
2/05	FISCAL NOTE REQUESTED		
2/10	FISCAL NOTE RECEIVED		
2/10	FISCAL NOTE PRINTED		
2/12	HEARING		
2/18	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/21	2ND READING PASSED	43	6
2/22	3RD READING PASSED	46	4
	TRANSMITTED TO HOUSE		
3/03	FIRST READING		
3/03	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION		
3/11	HEARING		
3/25	HEARING		
4/03	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/04	2ND READING CONCURRED AS AMENDED	92	6
4/05	3RD READING CONCURRED	93	7
	RETURNED TO SENATE WITH AMENDMENTS		
4/09	2ND READING AMENDMENTS CONCURRED	50	0
4/10	3RD READING CONCURRED AS AMENDED	49	1
4/15	SIGNED BY PRESIDENT		
4/16	SIGNED BY SPEAKER		
4/16	TRANSMITTED TO GOVERNOR		
4/18	SIGNED BY GOVERNOR CHAPTER NUMBER 306 EFFECTIVE DATE: 07/01/97		

SB 285 INTRODUCED BY BENEDICT *LC1094 DRAFTER: ERICKSON*

ALLOW COUNTY ADULT LITERACY FUNDING FOR PERSONS WHO ARE 16 YEARS OF AGE OR OLDER AND NOT ATTENDING SCHOOL

2/05	INTRODUCED		
2/05	FIRST READING		
2/05	REFERRED TO EDUCATION & CULTURAL RESOURCES		
2/10	HEARING		
2/15	COMMITTEE REPORT—BILL PASSED AS AMENDED		

SEN. HALLIGAN. SEN. FRANKLIN felt that both bills could stand alone. **REP. AHNER.** HB 200 deals with the public issue.

SEN. CRIPPEN. Did you ever go to the mall owners and pursue any action against them, as this man clearly violated the terms of his lease. **Becky Malensek.** No, I didn't think about it.

Closing by Sponsor: **REP. AHNER.** I believe it took courage for Katie to come forward on this issue, and that this legislation is part of her healing process. I ask the Committee for favorable consideration.

HEARING ON SB 283

Sponsor: **SEN. BURNETT, SD 12, Luther**

Proponents: **None**

Opponents: **None**

Opening Statement by Sponsor: **SEN. BURNETT, SD 12, Luther.** I believe the Department's input is acceptable. I'm trying to reach their 'untouchables'.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: **Hank Hudson, Administrator, Division of Child and Family Services, Department of Health and Human Services** (DHHS). We are offering a possible amendment **(EXHIBIT #6). Some people believe they've been unfairly treated by the Department, but I believe the Department is doing it's job, although bias can be present at times.**

{Tape: 2; Side: B; Approx. Time Count: #14.0; Comments: None.}

Carolyn Clemmons, Deputy County Attorney, Lewis and Clark County. I've been handling these cases for twelve years. I believe the amendments go a long way in cleaning up the bill, but it still has inherent problems. Many times there are no parents available, at the time the petition is filed, to supply a statement to the Judge or to present an affidavit to the Court. We do need as much information as possible supplied to the Judge.

In 90 percent of cases, we don't even know where the father is. The statute allows 20 days to come before the Court and present the story, and to come into court with an attorney. It is difficult to explain to the Court why parents left a child, so it is beneficial to allow them time to get with an attorney. I would support the bill with the amendments.

Ann Gilkey, Department of Health and Human Services (EXHIBIT #6). The amendments would require the Department to interview the

parent if possible prior to court o page 1 of the bill. They also strike the remainder of the language at the top of page 2 of the bill. The Department is also required to put in any statements made by the parents concerning the event. The Court would be required to consider these statements before making a decision at the top of page 3.

Questions From Committee Members and Responses: **SEN. HOLDEN.** Do you agree with the amendments? **SEN. BURNETT.** I have been trying to amend this since 1991, and I believe this is a breakthrough. I will accept the amendments as they are better than what we have now.

SEN. BARTLETT. If the amendments were adopted, would this be a change in how DHHS operates? **Hank Hudson.** I don't think so, but it may serve as a vehicle to remind line staff of their obligation to work with parents.

Closing by Sponsor: **SEN. BURNETT.** I think the Department has changed its attitude considerably since 1991. I hope this will continue. When caseworkers request a TIA, it should be investigated and found to be true and correct. Caseworkers should also be under oath. I have seldom seen the Department alter the desires of the caseworker. In one instance, the caseworker admitted he was wrong **(EXHIBITS #7 and #8).**

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. SB 283
DATE 2-10-97
BILL NO. Ex 6

Amendments to Senate Bill No. 283
Reading Copy

For the Committee on Senate Judiciary

Prepared by Ann Gilkey
February 10, 1997

1. Title, line 6.
Strike: "THE"
Insert: "AVAILABLE"

2. Title, line 8.
Strike: "BE ACCOMPANIED"
Insert: "INCLUDE STATEMENTS MADE, IF ANY,"

3. Title, line 9.
Strike: "STATEMENT"
Strike: "OR AN APPEARANCE BY THE PARENTS AT THE HEARING ON THE PETITION"

4. Page 1, line 29.
Following: "pertains"
Insert: ", if they are reasonably available,"

5. Page 1, line 30.
Following: "services"
Strike: remainder of line 30 through page 2, line 2
Renumber: subsequent sections

6. Page 2, line 27.
Following: "petition"
Insert: ", affidavit or report of the department must contain information regarding statements, if any, made"
Strike: "must also contain written statements prepared"

7. Page 2, lines 28 and 29.
Strike: "or must be presented to the court in the presence of the parents who must be given an opportunity to address the court before the court rules on the petition"

8. Page 3, line 3.
Following: "of"
Strike: "the parents' statements included with "

9. Page 3, line 4.
Following: first "the petition"
Insert: "and any accompanying affidavit or report to the court"
Strike: "or of the parents' remarks in court in relation to the petition"

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 7
DATE 2-10-97
SB 283

more bonding there, that would be reasonable to pursue that.

Q Okay. But, Doctor, even looking first as you did in the first instance at is the tape of the interview with Haley Demian and Ed Lambrecht before you were even given the deposition, before the deposition was taken, even then were you not able as a professional to gain enough use to believe that that was an incredible allegation against the father?

A Yes, I believe that it did not meet the criteria of credibility as I outlined previously. And then as I elaborated subsequently there, to me, there is clear evidence of coaching. The most traumatic one -- verbal example I can think of is in one indication she said, "He touched Nicholas with his penis, and that's the truth."

Children don't underscore the truth of their verbal reports with that degree of spontaneity, unless there's been some input by someone else she's been with. This issue of truthfulness had clearly been dealt with previously or she would not have said that.

Q But instead of an incredible statement, the underscoring is done with emotion, isn't it, Doctor?

A Yes, emotion and spontaneity and idiosyncratic statement.

Q And the emotion was accented?

A Yes, this was a nonchalant, bland verbal expression.

statements were.

Q You did not characterize his report as saying that she was sexually abused?

A I do not have that report in front of me. I couldn't quote that off the top of my head.

Q But is it your testimony today that you did not make any statement whatsoever, other than reading from that report?

A That's correct.

Q Are you certain of that?

A To the best of my believe, yes.

Q And if Donna Veraldi said that you had told her that Dr. Sauer said that Haley had been sexually abused, that that was your statement, she would be incorrect; is that correct?

A Could you state that again, please?

Q Yes. If Dr. Veraldi said that you had told her that it was Dr. Sauer's opinion that she was -- that Haley had been sexually abused, that would be an incorrect statement on the part of Dr. Veraldi; is that correct?

A I did state to her from Dr. Sauer's report that he stated Haley was sexually abused.

Q Okay. Now, are you aware that Dr. Sauer took the stand and said that that was not his opinion?

A No, I am not.

Q Okay. If I tell you that you gave that opinion, does that trouble you that you may have given incorrect information to Dr. Veraldi as a basis for her opinion?

A Oh, yes, it would.

Q Did you tell Dr. Veraldi that Haley had been totally consistent as per these sexual abuse allegations?

A With her statements to me, yes.

Q Did you specify with her statements to you, or did you just say, Haley has been totally consistent?

A I said with her statements to me.

Q Did you share with her inconsistent statements that she had made to other people?

A I don't believe at that time I had any other inconsistent statements.

Q Did you share with her that in the deposition Haley said that her father had not touched her since --

A I have never seen the deposition.

Q Have you ever discussed the deposition with Mr. Lambrecht?

A I am Mr. Lambrecht.

Q I'm sorry, with Mr. Kendall.

A To a limited extent, yes.

Q But you are telling this Court today that you had no knowledge after that deposition that during that deposition Haley said that her father hadn't touched her

bottom since she was wearing diapers in California?

A No. I could not have any knowledge of that. Except I will say that I did have knowledge that Marcus Demian told me that in the deposition Haley stated over 100 times that Haley didn't -- was not sexually abused by him.

Q But that didn't even lead you to believe that if maybe once Haley had said that?

A I don't understand what you're asking.

Q You never went to Mr. Kendall and asked him as to whether Haley had said that he hadn't touched her one time?

A I had discussed the deposition with Mr. Kendall and Mr. Gannett directly after the deposition.

Q Uh-huh.

A And I said, "Did -- I don't recall asking them directly, did Haley say she was sexually abused.

Q Wasn't that the crux of the matter?

A I wasn't the one asking for the deposition. I believe Haley's statement.

Q But you're the investigator, aren't you? You're the one with temporary investigative authority for six months, Mr. Lambrecht, and you doesn't ask --

MR. KENDALL: Your Honor, is counsel arguing or badgering the witness?

THE COURT: Objection -- if it's an objection, it's sustained. Be less argumentative, counsel.

MS. O'CONNOR: I apologize.

Q (By Ms. O'Connor) Anyway, you didn't ask --

A No, I did not.

Q -- for whatever reason. Mr. Lambrecht, what do you think that your responsibilities once you're granted temporary investigative authority for a period of 90 days by a court what do you think your responsibilities are?

A To investigate abuse and neglect.

Q And what do you think that includes?

A Taking the statement, which I made a video statement, and gathering the information of the case.

Q But that does not include finding out what happened at a deposition; is that correct?

A I did not say that.

Q Does it include that? Would it include that?

A Yes, it could.

Q Did you fall down on the job?

A I guess if you put it in that way, yes.

Q Well, how about if I don't put it in that way. Do you believe in that way that you fell down on the job, not finding out that piece of information?

A No, I do not.

Q And explain why.

A Because I believe Haley's statements to me.

Q So is your position then that you believe Haley's

we protect the child, and then we make a decision at the end of the temporary investigative authority. And if your asking me if we have ever removed a child and then placed them back home within the 90-day process, yes. Yes, we have.

Q That's not what I'm asking. I'm asking you if you, despite your expertise, your training, all your insight and experience, if you ever think on one of these cases you made a mistake?

A No, I have not.

Q Never one time?

A No.

Q In all those cases where you've never made a mistake, how many years is it?

A I've worked for the State Department of Family Services eight years.

Q Okay. Eight years times about 80 cases. Have you -- have you used the same lackadaisical attitude toward whether the credibility of statements should be investigated before you've come up with all these cases where you've never made a mistake?

A I believe Haley Demian's statement, and I don't think I've had a lackadaisical investigative attitude.

Q You're absolutely -- lackadaisical is my word. However, you have at least granted that you've fallen down on the job a time or two as far as investigating credibility of

statements, right? Do you think that you have displayed a higher or lower or exactly an equal dedication to investigation of the credibility of the allegations that have been made against Marcus Demian as you have against 80 times eight years?

A If you're referring to whether Oma is going to inherit 32 million dollars, that would have no bearing on whether sexual -- Haley Demian is sexually abused.

Q But it had enough bearing that you wanted to share it with Donna Veraldi, didn't it?

A I was giving her the information about what is going on in the divorce situation and the statement --

Q Mr. Lambrecht, does it strike you as problem that you say on the one hand it isn't important enough to investigate then on the other hand here at the 11th hour an examination by a woman, who 25 percent of her cases are also Department of Family Services referred cases, you share this information?

A First of all I can't testify as to what her client load is.

Q She has already stated. It's a matter of evidence.

[redacted] So I don't know if that's true and you did share that information with Donna Veraldi. Did it strike you as a problem on one hand it's important enough to share and on the

EXHIBIT NO. 2-8-97
DATE 2-8-97
HCR NO. SB 283

10-15-96 (1)

The night of the second accident is when David was questioned about child abuse. Terry Gable took care of the case then. My son was very upset, scared. He has a learning disorder and is classified as having a hard time expressing himself, especially under stress. We tried explaining this to Mrs. Gable, but she wouldn't listen. When we met with her, she was very glassy eyed, and had the shakes. You could not talk with her sensibly. When my wife Kathy asked her about visitation, she yelled at my wife and said that she is the supervisor and what she says goes, no visitation, she will do every thing in her power to have Davids rights taken away. She also told Brandy, Gene and me not to go to Salt Lake because we could not see the baby. We found out from another social worker that this would have helped our case to see Andrew. A social worker there was waiting to talk with us. She also said she didn't need a lawyer and didn't want us to get one.

She than turned the case over to Deb Cole. I had to start going to the meetings with David and Deb Cole because he would come home

very upset and sick after these meetings. All she did at these meetings was harrass and intimidate him. She told him she would never let him have parental rights. He didn't believe anything he said, and she didn't care what happened to him.

Deb Cole has called my house and the guardians house with threats. She told us and the guardians we cannot talk about family service, the case or anything. We are a family and good friends. When she found out we talked about the case she called up my sons in laws, who have custody of Andrew, swore at her, threatened her by saying they have the power to take Andrew away if this keeps up. Then she told Berke Martinez that she better not call me about this. Than Deb Cole called my house threatening to take Davids visits away if this keeps up, or even worse.

When Andrew was in foster care we let Deb Cole know Andrew has been sick for three weeks with a bad chest cold and severe diaper rash. She knew nothing about it. She didn't even know Andrew was moved to a different family. She told us she has

been to busy to keep track of every-thing. Also while Andrew was in foster care for 16 weeks he only gained 2 pounds. She said the foster parent didn't like fat babies. Is this proper care? She was to busy explaning to us how many children she has taken away that week. This is not our business!

After a couple of months, Deb Cole finally met with us. She wanted us to discuss Davids medical history. Our lawyer adrused us not to because it had nothing to do with the case, and David didn't sign a release for us to do so. Deb Cole got very mad at us for not telling her anything. Two days later, which was Sixteen weeks after the case started Terry Gable wrote a letter to the Sheriff, who was my boss, because I was Undersheriff. It stated that I should not have anything to do with Custody cases or family service because of my sons case. This upset my boss very much. A few days later I was fired. This letter was uncalled for!!

Please make sure we see this.

Family services has ruined my sons career. He is CNA Certified. He was suspended without pay because of Deb Coles letter to the hospital he was.

Important!! working at. She has based all her findings on hear say evidence. On the report she says Andrew had three broken ribs. He was recently x rayed and only the 10th Rib shows a greenstick fracture. Which the doctor said could have happened during birth or at any time. (This x Ray is being ignored.) She also stated Andrew had a fractured Pelvis. On the skeletal x ray taken in Salt Lake it states there is no pelvic fracture. At the Criminal trial family service or County Attorney couldn't produce any x Rays for evidence of these fractures. The County Attorney Lee Kerr, stated that he did not have any evidence to back up any felony charges.

* Deb Cole has also stated that the only reason she agreed to a negligent endangerment charge was because she knew they didn't have enough evidence for felonies and she needed some kind of charge on David to keep him under
* family service control. She made an innocent kid get a record just to keep control of him. Is this the way the system works?

She said David could not get counceling any where in Billings that would help him. We are sending

him to mark Sewell for counciling. He is very reputable. And we also had him reevaluated. Both agree that David would not committ child abuse or has an anger problem. This is being ignored. When she found out we did this, she was very upset because we did not inform her of this. We figured if she didn't care what happened to David, so she stated, why inform her. Also she has told us that pay a counciler or getting another evaluation done would do no good, because if we pay them, they will say what we want. When we questioned her on this, that you payed your evaluator, and didn't she say what you want, she refused to talk.

She said they may consider paying for the counciling. We made all the arrangements 5 weeks ago. She still has not contacted our counciler. Talk about stall tactics.

From day one She told David you'll never lie a family again. And shes been doing everything in her power to keep this promise. She made my son one wife more in with her family and told her if she stayed living with David she could only have visitation rights.

We don't think this was right. She also kept on Brandy to leave him, and leave him, and leave him. Is this trying to keep a family together. All she did was every thing in her power to break up the family. Which she did, because of the stress she caused they ended up in a divorce. Which makes Deb very happy. She even interfered in the divorce.

One of Debs coworkers also stated to us that this case was handled totally wrong. It should have been handled differently.

We feel Del Cole is just trying to Make a name for herself with using our son. This is wrong. When things don't go her way she gets very rude and unprofessional towards her client. Her attitude is really bad. She says when she walks into a court room the Judge knows I mean business. She has put ~~down~~ the county attorney and her husband in front of me. Its like she hates men. But since her father in law is Senator, maybe she can get away with this.

* She also told us she was going to take Andrew in for a second opinion in Billings. When I asked her why she

didn't, she didn't because she got what she wants. This is wrong. We couldn't afford a second opion and we didn't have custody of the child. She was afraid of a second opion because it would not correspond with her reports. Which all state the probability without explanation of child abuse exists.

* She talks about termination of Davids rights, she said, she did not want to be bothered with this case because its going on to long and you can't expect family service to keep supervising this case or visits.

I have allot of paper work on this case which would be to costly to copy or fax. But all our evidence points only to negligence on my sons part. Deb stated we missed the 20 day cut off for an appeal to the case. Which means we can never change his record of child abuse and that no matter what she will never change it. This is wrong. My son is innocent.

If necessary I would meet with you both. It would be allot easier explaning and showing you our documents in person.

Thank you very much for your time and consideration.

(8)

Sincerely yours,
Roger D Bara
Box 57
Nyehan, Mt. 59038

Sons name, David A. Bara.

x Wife: Brandy Bara

Son Andrew Bara

Cause # DJ 95-20
Case # 44-4705

Agency - Rosebud County Dept of Public Health & Human Services.
342-5280

MONTANA SENATE
1997 LEGISLATURE
JUDICIARY COMMITTEE

ROLL CALL DATE 2-10-97

NAME	PRESENT	ABSENT	EXCUSED
SUE BARTLETT	✓		
AL BISHOP	✓		
STEVE DOHERTY	✓		
SHARON ESTRADA	✓		
MIKE HALLIGAN	✓		
RIC HOLDEN	✓		
REINY JABS	✓		
WALT MC NUTT	✓		
LORENTS GROSFIELD, VICE CHAIRMAN	✓		
BRUCE CRIPPEN, CHAIRMAN	✓		

SEN:1995
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CS-09

parents, in ways other than intended? I believe the video-taping and peeping-tom part are fine.

SEN. HOLDEN. What is your impression of a news reporter taking a new picture? **SEN. BARTLETT.** That was addressed in the amendment, by striking lines 15-16, and inserting "any person within the residence".

SEN. HOLDEN. I don't support such behavior, but I do see **SEN. GROSFIELD's** concerns.

SEN. DOHERTY. With a telephoto lens, a camera could be a long way off. I believe language limits it to within the residence.

Vote: SEN. BARTLETT'S MOTION THAT SB 219 DO PASS AS AMENDED CARRIED WITH ALL MEMBERS VOTING AYE EXCEPT SEN. GROSFIELD AND SEN. HOLDEN WHO VOTED NO.

EXECUTIVE ACTION ON SB 250

Discussion: CHAIRMAN CRIPPEN. I talked to the Chief Justice about a study resolution since this is such a change in the system.

Motion/Vote: VICE CHAIRMAN GROSFIELD MOVED SB 250 BE TABLED. THE MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 283

Amendments: sb028301.avl - **EXHIBIT 11**

Motion: VICE CHAIRMAN LORENTS GROSFIELD MOVED TO ADOPT AMENDMENTS sb028301.avl.

Discussion: Valencia Lane. The amendment says "if parents are available", and so removes the reference that parents must appear in person before the Court, but at least must submit a written statement.

Vote: VICE CHAIRMAN GROSFIELD'S MOTION TO ADOPT THE AMENDMENTS TO SB 283 CARRIED WITH ALL MEMBERS VOTING AYE EXCEPT SEN. BISHOP WHO VOTED NO.

Motion/Vote: SEN. ESTRADA MOVED SB 283 DO PASS AS AMENDED. THE MOTION CARRIED UNANIMOUSLY.

CHAIRMAN CRIPPEN. Tomorrow's hearing will be interesting, as we are hearing the appointment of a judge. **SEN. DOHERTY** will present the resolution, then we will hear testimony for and against the appointment, as well as have questions from the Committee. There will be a little lunch following the hearing, sponsored by the Montana Defense Trial Lawyers and the Montana Trial Lawyers Association.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 11
DATE 2/12/97
SB NO. SB283

Amendments to Senate Bill No. 283
First Reading Copy (white)

For the Committee on Judiciary

Prepared by Ann Gilkey (put into form by Valencia Lane)
February 10, 1997

1. Title, line 5.
Following: "INTERVIEW"
Strike: "THE"
Insert: "AVAILABLE"

2. Title, line 7.
Following: "MUST"
Strike: "BE ACCOMPANIED"
Insert: "INCLUDE STATEMENTS MADE, IF ANY,"
Strike: "PARENTS'"
Insert: "PARENTS"

3. Title, lines 8 and 9.
Strike: "STATEMENT" on line 8
Following: "CASE" on line 8
Strike: remainder of line 8 through "PETITION" on line 9

4. Page 1, line 29.
Following: "pertains"
Insert: ", if they are reasonably available,"

5. Page 1, line 30.
Strike: line 30 in its entirety

6. Page 2, lines 1 and 2
Strike: line 1 through "granted" on line 2

7. Page 2, line 27.
Following: "petition"
Strike: "must also contain written statements prepared"
Insert: ", affidavit, or report of the department must contain information regarding statements, if any, made"

8. Page 2, lines 28 through 30.
Following: "case" on line 28
Strike: remainder of line 28 through "petition" on line 30

9. Page 3, lines 3 and 4.
Following: "of" on line 3
Strike: remainder of line 3 through "with" on line 4
Following: first "petition"
Strike: "or of the parents' remarks in court in relation to the petition"
Insert: "and any accompanying affidavit or report to the court"

SENATE STANDING COMMITTEE REPORT

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration Senate Bill 283 (first reading copy -- white), respectfully report that Senate Bill 283 be amended as follows and as so amended do pass.

Signed: _____
Senator Bruce Crippen, Chair

That such amendments read:

1. Title, line 5.
Following: "INTERVIEW"
Strike: "THE"
Insert: "AVAILABLE"

2. Title, line 7.
Following: "MUST"
Strike: "BE ACCOMPANIED"
Insert: "INCLUDE STATEMENTS MADE, IF ANY,"
Strike: "PARENTS'"
Insert: "PARENTS"

3. Title, lines 8 and 9.
Strike: "STATEMENT" on line 8
Following: "CASE" on line 8
Strike: remainder of line 8 through "PETITION" on line 9

4. Page 1, line 29.
Following: "pertains"
Insert: ", if they are reasonably available,"

5. Page 1, line 30.
Strike: line 30 in its entirety

6. Page 2, lines 1 and 2
Strike: line 1 through "granted" on line 2

7. Page 2, line 27.
Following: "petition"
Strike: "must also contain written statements prepared"
Insert: ", affidavit, or report of the department must contain information regarding statements, if any, made"

Amd. Coord.
Sec. of Senate

331522SC.SRF

8. Page 2, lines 28 through 30.
Following: "case" on line 28
Strike: remainder of line 28 through "petition" on line 30

9. Page 3, lines 3 and 4.
Following: "of" on line 3
Strike: remainder of line 3 through "with" on line 4
Following: first "petition"
Strike: "or of the parents' remarks in court in relation to the petition"
Insert: "and any accompanying affidavit or report to the court"

-END-

Discussion:
{Tape: 2; Side: A; Approx. Time Count: 0.1-6.4; Comments: At beginning of discussion the tape broke, some testimony was lost.}

Vote: The motion failed 7 - 11 by roll call vote. REPS. BOHARSKI and HURDLE voted by proxy. REPS. AHNER and SMITH were absent for the vote. **EXHIBIT 3**
{Tape: 2; Side: A; Approx. Time Count: 6.5}

Motion: **REP. KOTTEL moved a conceptual amendment to HB 163 on page 42 to clarify language between lines 6 and 15 regarding a non-state evaluator.**
{Tape: 2; Side: A; Approx. Time Count: 9.0; Comments: John MacMaster clarified the language of the amendment.}

Discussion:
{Tape: 2; Side: A; Approx. Time Count: 9.8}

Motion: **REP. MC GEE moved to suspend action on HB 163.**
{Tape: 2; Side: A; Approx. Time Count: 10.4; Comments: CHAIRMAN CLARK ruled that that motion was not in order.}

Vote: The motion on the Kottel amendment carried by voice vote.

Discussion:
{Tape: 2; Side: A; Approx. Time Count: 11.4; Comments: The subcommittee amendments had not been adopted. REP. MOLNAR requested that further time be given to the subcommittee to complete their charge to examine and amend the bill beyond page 30 and requested a motion to table; the chairman did not entertain the motion because the committee was discussing the amendments. REP. BOHARSKI requested that a copy of the bill be prepared reflecting the amendments. John MacMaster responded regarding the options available to answer this request.}

Vote: The motion on the subcommittee amendments carried 17 - 1; REP. McGEE voting no.
{Tape: 2; Side: A; Approx. Time Count: 17.7 - 23.5; Comments: REP. GRIMES requested that further action be suspended; REP. WYATT voiced her objection. REP. MOLNAR suggested a table motion until the subcommittee could complete their action. The chairman ruled to reconvene the subcommittee with REP. SOFT replacing REP. AHNER as chair due to her illness and reappointed REPS. GRIMES, MOLNAR, KOTTEL and SANDS as members. The subcommittee planned to reconvene Saturday following floor action.}

HEARING ON SB 283

Opening Statement by Sponsor: **SEN. JIM BURNETT** **EXHIBITS 4-4M**
{Tape: 2; Side: A; Approx. Time Count: 25.8-Tape 2; Side B; 12.5}

Proponents' Testimony:

HANK HUDSON, Department of Public Health and Human Services
{Tape: 2; Side: B; Approx. Time Count: 12.6; Comments: This witness did not sign in.}

MARY ALICE COOK, Advocate for Children and Families
{Tape: 2; Side: B; Approx. Time Count: 16.1}

Questions From Committee Members and Responses:
{Tape: 2; Side: B; Approx. Time Count: 17.0-end of tape}

Closing by Sponsor: SEN. BURNETT
{Tape: 3; Side: A; Approx. Time Count: 0.1}

HEARING ON SB 308

Opening Statement by Sponsor: SEN. TOM BECK EXHIBIT 5-5A
{Tape: 3; Side: A; Approx. Time Count: 8.4}

Proponents' Testimony:

STEVE PILCHER, Western Montana Environmental Trade Association
{Tape: 3; Side: A; Approx. Time Count: 11.2}

WILLIAM SPILKER, Montana Association of Realtors EXHIBIT 6
{Tape: 3; Side: A; Approx. Time Count: 15.0}

ANDY SKINNER EXHIBIT 7
{Tape: 3; Side: A; Approx. Time Count: 18.4}

DENNIS "BUD" WILLIAMS, Montana Manufactured Housing & RV Association *{Tape: 3; Side: A; Approx. Time Count: 19.5}*

DON CHANCE, Montana Building Industry Association
{Tape: 3; Side: A; Approx. Time Count: 22.2}

JIM TAYLOR, Consulting Engineer
{Tape: 3; Side: A; Approx. Time Count: 26.5}

Opponents' Testimony:

DAVE WOODGERD, Department of Revenue, Department of Administration, Office of the Governor EXHIBIT 8
{Tape: 3; Side: A; Approx. Time Count: 29.0-Tape 3; Side B; 7.0}

ALEC HANSON, Montana League of Cities and Towns
{Tape: 3; Side: B; Approx. Time Count: 7.1}

GORDON MORRIS, Montana Association of Counties
{Tape: 3; Side: B; Approx. Time Count: 15.3}

EXHIBIT 4
DATE 3/21/97
SB 283

Senate BILL NO. 283

INTRODUCED BY Gamble Taylor Ryan
AKLESTAD Hargrove Mahlum Keating

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRIN(CASES TO INTERVIEW THE PARENTS BEFORE REQ REQUIRING THAT A PETITION FOR TEMPORAR SERVICES IN CHILD ABUSE AND NEGLECT CA STATEMENT OF THE FACTS OF THE CASE OR AN ON THE PETITION; AMENDING SECTIONS 41-3-10 AN IMMEDIATE EFFECTIVE DATE."

Exhibit # 4 thru 4M (40 pages)
Letters & testimony re: SB 283

The full exhibit is available from:
MT Historical Society Archives
225 North Roberts
P.O. Box 201201
Helena, MT 59620-1201
Phone # (406)444-4774

BE IT ENACTED BY THE LEGISLATURE OF THE ST

Section 1. Section 41-3-101, MCA, is amended to read:

"41-3-101. Declaration of policy. (1) It is the policy of the state of Montana to:

(a) ensure that all youth are afforded an adequate physical and emotional environment to promote normal development;

(b) compel in proper cases the parent or guardian of a youth to perform the moral and legal duty owed to the youth;

(c) achieve these purposes in a family environment whenever possible;

(d) preserve the unity and welfare of the family whenever possible; and

(e) ensure that there is no forced removal of a child from the family based solely on an unsubstantiated allegation of abuse or neglect.

(2) It is the policy of this state to:

(a) protect, whenever possible, family unity;

(b) provide for the protection of children whose health and welfare are or may be adversely affected and further threatened by the conduct of those responsible for their care and protection; ~~and~~

(c) require a department social worker to interview the parents of a child to which a petition pertains before the state may file a petition for temporary investigative authority and protective services and to require that a judge may not issue an order granting the petition until the parents are given the

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL DATE 3/21/97

NAME	PRESENT	ABSENT	EXCUSED
REP. BOB CLARK, CHAIRMAN	✓		
REP. DANIEL MC GEE, VICE CHAIR	✓		
REP. DIANA WYATT, VICE CHAIR	✓		
REP. CHRIS AHNER			✓
REP. SHIELL ANDERSON	✓		
REP. ELLEN BERGMAN	✓		
REP. WILLIAM BOHARSKI	8:00 ✓		
REP. AUBYN CURTISS	✓		
REP. JON ELLINGSON	✓		
REP. DUANE GRIMES	7:30 ✓		
REP. H.S. "SONNY" HANSON	✓		
REP. JOAN HURDLE	✓		
REP. DEB KOTTEL	✓		
REP. LINDA MC CULLOCH	✓		
REP. BRAD MOLNAR	7:30 ✓		
REP. GERALD PEASE	✓		
REP. DIANE SANDS	✓		
REP. LIZ SMITH	8:30 ✓		
REP. LOREN SOFT	✓		
REP. BILL TASH	✓		

MONTANA HOUSE OF REPRESENTATIVES
VISITORS REGISTER

HOUSE JUDICIARY COMMITTEE

DATE 3/21/97

BILL NO. SB 283 SPONSOR(S) Sen. Burnett

PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)
(PLEASE IDENTIFY TYPE OF VISITOR)

PLEASE PRINT

TYPE	NAME	ADDRESS	REPRESENTING
P as amended	MARY ALICE Cook	Helena	Advocate for Children + Families

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

Discussion:
{Tape: 1; Side: A; Approx. Time Count: 26.5-Tape 1; Side B; 14.5}

Motion/Vote: **REP. GRIMES moved to table SB 178.** The motion carried 13 - 5; REPS. WYATT, SOFT, McCULLOCH, KOTTEL and TASH voting no. REPS. AHNER and HANSON were absent for the vote and did not leave proxy votes.
{Tape: 1; Side: B; Approx. Time Count: 14.8}

EXECUTIVE ACTION ON SB 283

Motion: **REP. MOLNAR moved SB 283 BE CONCURRED IN.**
{Tape: 1; Side: B; Approx. Time Count: 15.2}

Discussion:
{Tape: 1; Side: B; Approx. Time Count: 15.7}

Motion: **REP. BOHARSKI moved to amend SB 283 by reinserting the language on page 2.**

Discussion:
{Tape: 1; Side: B; Approx. Time Count: 16-Tape 2; Side A; 8.6}

Motion: **REP. CURTISS moved a substitute amendment to restore the bill to its original form.**
{Tape: 2; Side: A; Approx. Time Count: 8.7}

Discussion:
{Tape: 2; Side: A; Approx. Time Count: 9.1-11.8; Comments: REP. CURTISS said she would include "if they are reasonably available" in the substitute amendment.}

Vote: The motion carried 11 - 7; REPS. SANDS, KOTTEL, PEASE, McCULLOCH, WYATT, ELLINGSON, and HURDLE voting no. REP. AHNER voted aye by proxy. REPS. HANSON and SMITH were absent and did not leave proxy votes.
{Tape: 2; Side: A; Approx. Time Count: 11.9; Comments: REP. BOHARSKI changed his vote without objection from the committee from no to aye.}

Motion/Vote: **REP. BOHARSKI moved SB 283 BE CONCURRED IN AS AMENDED.** The motion carried 10 - 7; REPS. SANDS, PEASE, KOTTEL, McCULLOCH, HURDLE, ELLINGSON and WYATT voting no. REP. AHNER voted aye by proxy; REPS. HANSON, SMITH and BERGMAN were absent for the vote and did not leave proxy votes. **REP. GRINDE will carry SB 283.**

EXECUTIVE ACTION ON SB 314

Motion: **REP. SOFT moved SB 314 BE CONCURRED IN.**
{Tape: 2; Side: A; Approx. Time Count: 16.3}

HOUSE STANDING COMMITTEE REPORT

April 3, 1997

Mr. Speaker: We, the committee on **Judiciary** report that **Senate Bill 283** (third reading copy -- blue) **be concurred in as amended**.

Signed: Bob Clark
Bob Clark, Chair

And, that such amendments read: **Carried by: Rep. Grinde**

1. Title, line 5.
Strike: "AVAILABLE"
Insert: "THE"

2. Title, line 7.
Strike: "INCLUDE"

3. Title, line 8.
Strike: "STATEMENTS MADE, IF ANY,"
Insert: "BE ACCOMPANIED"
Strike: "PARENTS"
Insert: "PARENTS' STATEMENTS"

4. Title, line 9.
Following: "~~PETITION~~"
Insert: "OR AN APPEARANCE BY THE PARENTS AT THE HEARING ON THE PETITION"

5. Page 1, line 30.
Strike: ", IF THEY ARE REASONABLY AVAILABLE,"

6. Page 2, line 3.
Following: "~~granted~~"
Insert: "and to require that a judge may not issue an order granting the petition until the parents, if they are reasonably available, are given the opportunity to appear before the judge or have their written statements presented to the judge for consideration before an order is granted"

4/3

Committee Vote:
Yes 10, No 7.

700840SC.Hgd

7. Page 2, lines 28 through 30.
Strike: ", AFFIDAVIT" on line 28 through "MADE" on line 30
Insert: "must also contain written statements prepared"

8. Page 3, line 2.
Following: "~~petition~~"
Insert: "or must be presented to the court in the presence of the parents, who must be given an opportunity to address the court before the court rules on the petition"

9. Page 3, line 7.
Following: "~~with~~"
Insert: "the parents' statements included with"
Strike: "AND ANY"

10. Page 3, line 8.
Strike: "ACCOMPANYING AFFIDAVIT OR REPORT TO THE COURT"

Insert: "or of the parents' remarks in court in relation to the petition"

-END-

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

CONFERENCE COMMITTEE ON SENATE BILL 283

Call to Order: By **CHAIRMAN RIC HOLDEN**, on April 16, 1997, at 5:00 P.M., in ROOM 331.

ROLL CALL

Members Present:
Sen. Ric Holden (R)
Sen. James H. "Jim" Burnett (R)
Sen. Sue Bartlett (D)
Rep. Larry Hal Grinde (R)
Rep. Marian W. Hanson (R)
Rep. Deb Kottel (D)

Members Excused: None

Members Absent: Rep. Larry Hal Grinde (R)

Staff Present: Valencia Lane, Legislative Services Division
Mary Gay Wells, Committee Secretary

{Tape: 1; Side: A; Approx. Time Count: 5:04 PM; Comments: N/A.}

HEARING ON SB 283

Discussion and Questions From Committee Members and Responses:

CHAIRMAN RIC HOLDEN opened the Conference Committee on SB 283. There are some amendments that are to be submitted **(EXHIBIT 1) 820807CC.STS.** He asked **SEN. JIM BURNETT** to give an explanation of the amendments.

SEN. BURNETT said that what he had tried to do in the original bill was to require that before the Dept. of Public Health and Human Services could pull a TIA, Temporary Investigative Authority, the parents or guardians would be able to have an input and discussion with the Dept. if at all possible. Some might not want to talk with them, but generally when the children are pulled from a family, the parents will talk. He wants the family to have that right. Before this, parents have asked him to go along. The case worker makes their presentation but no one else has any input. He wants the parents to have an input. And this is what it does.

CHAIRMAN HOLDEN asked **Hank Hudson, DPHHS**, for his input on the amendments.

HANK HUDSON, Department of Public Health & Human Services. When **SEN. BURNETT** first raised this issue, he stated that he wanted to make sure that parents of children who were being moved or subject to abuse and neglect investigation had an opportunity to make their statement to the judge either in person or in a written statement. The bill, as originally drafted, set out their right to present their position and to insure that no case could go forward beyond the initial stages unless their point of view had been heard. The Dept. agrees with that in that the parents should have an opportunity to present their case. We felt that in almost all cases parents did have that opportunity, but if in those cases where it had not happened, we agreed that it needed to be remedied. We had concerns in the way the bill had been written. Cases could not go forward unless parents made statements. If a child were abandoned, and there are cases like that, or if a parent thought the Department would not go forward if they didn't make a statement, then the Dept. would have been stymied. So we did work with **SEN. BURNETT** and Senate Judiciary to find amendments that would say in effect that if parents are available, they must be given this opportunity. If they avail themselves of that opportunity, their statement must be part of the record and be considered by the court. So the bill emerged from the Senate in that manner. When the bill reached the House, they reverted it back to the original language which then left the Dept. unable to support the bill as it came out of the House. **SEN. BURNETT** agreed to let a Conference Committee work on the bill. We all have arrived at an agreement and feel that the amendments as presented will allow us to do our job but also provides what **SEN. BURNETT** has been working for and that is an assurance that parents won't be locked out of the proceedings.

SEN. BURNETT MOVED THE AMENDMENTS BE ACCEPTED. THE MOTION CARRIED UNANIMOUSLY: 5-0 REP. HAL GRINDE WAS NOT IN ATTENDANCE.

SEN. BURNETT MOVED SB 283 DO PASS AS AMENDED. THE MOTION CARRIED UNANIMOUSLY: 5-0 REP. HAL GRINDE WAS NOT IN ATTENDANCE.

Ann Gilkey, Department of Public Health and Human Services assured the committee that the amendments only addressed the substance of the original amendments and not the body of the bill.

ROLL CALL VOTE

FREE CONFERENCE or CONFERENCE COMMITTEE

ON BILL NO. SB 283

DATE 4-16-97 TIME 5:04 A.M. (P.M.)

NAME	YES	NO
Senator Ric Holden	X	
Senator Jim Burnett	X	
Senator Sue Bartlett	X	
Rep. Larry Linder - absent		
Rep. Marian Hanson	X	
Rep Deb Kottel	X	

Marilyn Wells
SECRETARY

Sen. Ric Holden
CHAIR

MOTION: Senator Jim Burnett moved to amend the amendments with sb028302.avl

CCRCVOTE.F19

CONFERENCE COMMITTEE

on Senate Bill 283
Report No. 1, April 17, 1997

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 283, met and considered the House Standing Committee amendments.

We recommend that Senate Bill 283 (reference copy - salmon) be amended further as follows:

1. Title, line 5.
Following: "PARENTS"
Insert: ", IF AVAILABLE,"

2. Title, line 8.
Strike: "BE ACCOMPANIED"
Insert: "INCLUDE STATEMENTS, IF ANY, MADE"

3. Title, line 9.
Strike: "PARENTS' STATEMENTS"
Following: "~~STATEMENT~~"
Strike: "OF"
Insert: "PARENTS REGARDING"

4. Title, line 10.
Following: "OR"
Insert: "MUST ALLOW"

5. Title, line 11.
Following: "PETITION"
Insert: ", EXCEPT IN EMERGENCY CASES"

6. Page 2, line 2.
Following: "~~AVAILABLE,~~"
Insert: ", if they are reasonably available,"

7. Page 2, line 6.
Following: "PETITION"
Insert: ", except an order for immediate protection of the youth,"

ADOPT

REJECT

820807CC.STS

8. Page 2, line 8.
Strike: "WRITTEN"
Following: "STATEMENTS"
Insert: ", if any,"

9. Page 3, line 6.
Strike: "MUST ALSO CONTAIN WRITTEN STATEMENTS PREPARED"
Insert: ", affidavit, or report of the department must contain information regarding statements, if any, made"

10. Page 3, lines 8 and 9.
Following: "~~petition~~" on line 8
Strike: remainder of line 8 through "OF" on line 9
Insert: ". Except as provided in 41-3-403,"
Following: "PARENTS"
Strike: ", WHO"

11. Page 3, line 15.
Following: "STATEMENTS"
Insert: ", if any,"

12. Page 3, line 17.
Strike: "OR OF THE PARENTS' REMARKS IN COURT IN RELATION TO THE PETITION"
Insert: "and any accompanying affidavit or report to the court,"

And that this Conference Committee report be adopted.

For the Senate:

Senator Ric Holden, Chair

Senator Jim Burnett

Senator Sue Bartlett

Amd. Coord.

Sec. of Senate

For the House:

Rep. Larry Grinde, Chair

Rep. Marian Hanson

Rep. Deb Kottel

#1

LEGISLATIVE TAPE LOG

COMMITTEE: Conference Committee SB 283

DATE: 4-16-97

MINUTES	CONTENT NOTES
	Chairman Ric Holden
	Senator Jim Burnett
	Senator Sue Bartlett
	Rep. Larry Linville
	Rep. Marian Hanna
	Rep. Deb Kettel
5:04	Chairman Holden opens amendments exh. 1
5:06	Sen Burnett, explains bill
5:07	Hank Hudson, Lottery Services
5:09	Burnett - move SB. Vote: 5-0 Linville not here
	Move to accept Bill as Amended
	Vote - 5-0 Linville not here.
5:11	Ann Kilkey - explained that the amendments only amended the amendments.

EXHIBIT NO. 1
DATE 4-16-97
BILL NO. SB 283

Amendments to Senate Bill No. 283
Reference as Amended Reading Copy (salmon)

For the Conference Committee on SB 283

Prepared by Valencia Lane
April 16, 1997

1. Title, line 5.
Following: "PARENTS"
Insert: ", IF AVAILABLE,"

2. Title, line 8.
Strike: "BE ACCOMPANIED"
Insert: "INCLUDE STATEMENTS, IF ANY, MADE"

3. Title, line 9.
Strike: "PARENTS' STATEMENTS"
Following: "~~STATEMENT~~"
Strike: "OF"
Insert: "PARENTS REGARDING"

4. Title, line 10.
Following: "OR"
Insert: "MUST ALLOW"

5. Title, line 11.
Following: "PETITION"
Insert: ", EXCEPT IN EMERGENCY CASES"

6. Page 2, line 2.
Following: "~~AVAILABLE,~~"
Insert: ", if they are reasonably available,"

7. Page 2, line 6.
Following: "PETITION"
Insert: ", except an order for immediate protection of the youth,"

8. Page 2, line 8.
Strike: "WRITTEN"
Following: "STATEMENTS"
Insert: ", if any,"

9. Page 3, line 6.
Strike: "MUST ALSO CONTAIN WRITTEN STATEMENTS PREPARED"
Insert: ", affidavit, or report of the department must contain information regarding statements, if any, made"

10. Page 3, lines 8 and 9.
Following: "~~petition~~" on line 8
Strike: remainder of line 8 through "OF" on line 9
Insert: ". Except as provided in 41-3-403,"
Following: "PARENTS"
Strike: ", WHO"

11. Page 3, line 15.
Following: "STATEMENTS"
Insert: ", if any,"

12. Page 3, line 17.
Strike: "OR OF THE PARENTS' REMARKS IN COURT IN RELATION TO THE PETITION"
Insert: "and any accompanying affidavit or report to the court,"